THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.9288 OF 2004

DATE: 08th September 2006

Between:
M/s. Shalimar Chemical Works Ltd.,
Rep. by its authorized signatory,
G.Radhakrishna, S/o Somasundaram,
Aged 41 years, factory at 8-13-30,
Mailardevpally, Keshovgiri, Hyderabad.

… Petitioner.

And

1. Agricultural Market Committee,
   Penugonda, rep. by its Secretary,
   Penugonda, Anantapur District and another.

… Respondents.

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ORDER:

The issue that arises for consideration in this writ petition is squarely covered by the judgment of the Division Bench of this court in **Modern Nutrition Company, Hyderabad V. Agricultural Market Committee and others**[1] wherein it was held that levy of market fees is not valid unless the agricultural produce or livestock is purchased or sold in the market area and goods purchased outside and brought within the market area are not liable to levy of market fees. Therefore, this writ petition is also liable to be allowed in the light of the

above judgment. However, it is made clear that the petitioner is not entitled for any refund of market fees already collected elsewhere except for adjustment either in the future or in the relevant assessment year.

2. With the above observation, the writ petition is disposed of. No costs.

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C.V.RAMULU, J.

Date: 08th September 2006.
BSB

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[1] 1996(4) ALD 801 (D.B.)